

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5404 of 1987

with

CIVIL APPLICATION NO.224/88

For Approval and Signature:

Hon'ble MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

ABDULSATTAR MOMED SIDDIQUE S

Versus

AHMEDABAD MUNICIPAL CORPN

Appearance:

M/S NJ MEHTA ASSO. for Petitioner
NANAVATI & NANAVATI for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE K.M.MEHTA

Date of decision: 09/12/1999

ORAL JUDGEMENT

1. Abdulsattar Mohmed Siddique Shaikh, the petitioner has filed this petition challenging the action of the respondent-Ahmedabad Municipal Corporation in

terminating the services of the petitioner only on the ground of unauthorised absence from duty on the ground that the said action is arbitrary, discriminatory and in violation of principles of natural justice, and the petitioner prayed for quashing and setting aside of the impugned action/order of the respondent-Corporation terminating the services of the petitioner and further prayed that the respondent-Corporation be restrained from terminating the petitioner from services as a driver and to direct the respondent-Corporation to allow the petitioner to continue in his duties as driver as if the same order terminating the services of the petitioner is not at all passed.

2. This court issued notice and also granted interim relief and passed the order that the corporation is at liberty to pass orders whatever it deems fit and same shall not be implemented in case it is the order of dismissal, removal or termination upto 13.11.1987. Thereafter the matter was admitted and the said interim relief was continued till today.

3. Today when the matter reached this court for hearing Shri D.G.Shukla, Ld.Advocate for Mr.S.I.Nanavaty, Ld.Sr.Advocate appearing on behalf of the respondent-corporation has made a statement after obtaining instructions from Shri Mukesh B.Patel, Asstt.Manager (Admn), Central Workshop, Ahmedabad Municipal Corporation that the petitioner has been made permanent as Driver with effect from 1.5.1993 and still continues in the services of the corporation.

4. In view of the aforesaid statement made in the court by the learned Counsel for the corporation after obtaining instructions from the authorised officer of the corporation wherein the petitioner also personally present, learned counsel appearing for the petitioner stated that the petitioner does not press this petition at this stage. In view of the aforesaid petition does not survive and the petition stands disposed of accordingly. Rule is discharged. Interim relief granted earlier stands vacated. In view of the aforesaid Civil Application No.224/88 also stands disposed of. No order as to costs.